

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, December 16, 2021
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the special meeting of November 30, 2021.
- III. Public Hearings
 - A. Hearing, Case 2021-36: Request for a special use permit to operate a marihuana microbusiness at 1756 Lakeshore Dr, by CannaWolf, Inc.
 - B. Hearing, Case 2021-37: Request for several departures from the Form Based Code section of the zoning ordinance for a new building and food truck area at 450 W Western Ave, by Andrew Harris.
 - C. Hearing, Case 2021-38: Request for several departures from the Form Based Code section of the zoning ordinance for a building addition at 296 W Webster Ave, by the Muskegon Museum of Art.
 - D. Hearing, Case 2021-39: Staff initiated request to amend the Form Based Code, Urban Residential and Lakeside Residential context areas of the zoning ordinance to reduce the minimum side setback (at non-street locations) requirement from six feet to five feet and reduce the side build-to-zone (at side street) from 10-25 feet to 5-25 feet.
- IV. New Business
 - A. Case 2021-40: Request for a site plan review for a building expansion and outdoor storage at 1870 Huizenga, 1080 E Holbrook, 1045 E Laketon, 1051 E Laketon and 1091 E Laketon, by Newkirk Electric Associates, Inc.
- V. Other
 - A. Updated bylaws. These will be presented at the meeting.
 - A. Updates on previous cases.
- VI. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon 24- hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or

calling the following:
Ann Meisch, City Clerk
933 Terrace Street
Muskegon MI 49440

STAFF REPORT

December 16, 2021

Hearing, Case 2021-36: Request for a special use permit to operate a marihuana microbusiness at 1756 Lakeshore Dr, by CannaWolf, Inc.

SUMMARY

1. The property is zoned Form Based Code, Lakeside Commercial.
2. Microbusinesses are allowed in this zoning district with the issuance of a special use permit.
3. Microbusinesses must grow, process and sell their product on site. No marihuana can be sold elsewhere, nor can they bring in marihuana to sell from another source. They are allowed to grow up to 150 plants on site.
4. The State of Michigan does not allow marihuana businesses to be located within 1,000 feet of a school. There are no schools within 1,000 feet of this property.
5. Notice was sent to all properties within 300 feet of this address. At the time of this writing, staff had not received any comments from the public.

Zoning ordinance excerpt:

SECTION 2332: SPECIAL LAND USES AND PLANNED UNIT DEVELOPMENTS

Standards for Approval of Discretionary Uses

Prior to authorization of any Special Land Use, the Planning Commission shall give due regard to the nature of all adjacent uses and structures. It shall determine the consistency with the adjacent use and development.

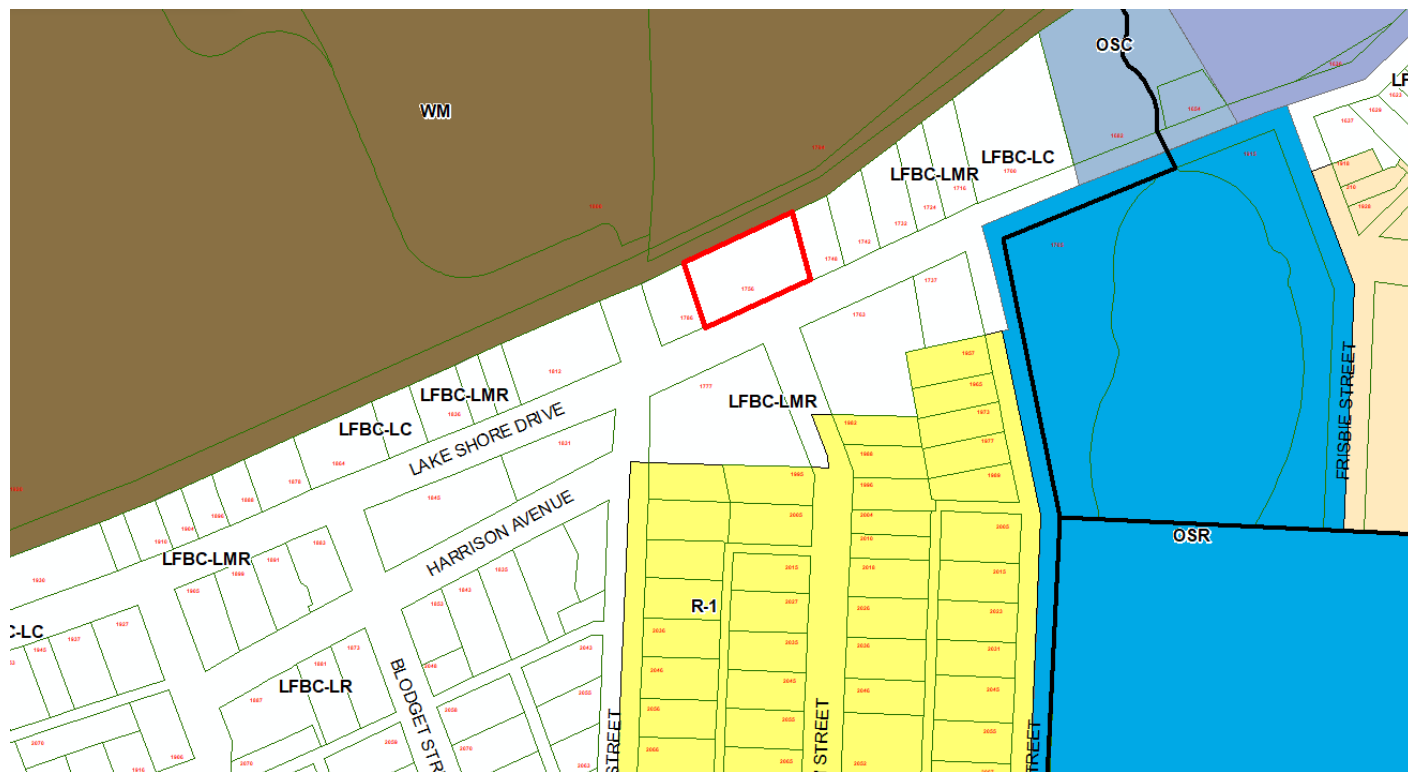
In addition, the Planning Commission shall find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.

Further, the Planning Commission shall find that adequate water and sewer infrastructure exists or will be constructed to service the Special Land Use or activity.

1314 E Apple Ave



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the special use permit because the proposed use does not appear to be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. Also, adequate water and sewer infrastructure exists on site.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to operate a marihuana microbusiness at 1756 Lakeshore Dr be (approved/denied).

Hearing, Case 2021-37: Request for several departures from the Form Based Code section of the zoning ordinance for a new building and food truck area at 450 W Western Ave, by Andrew Harris.

SUMMARY

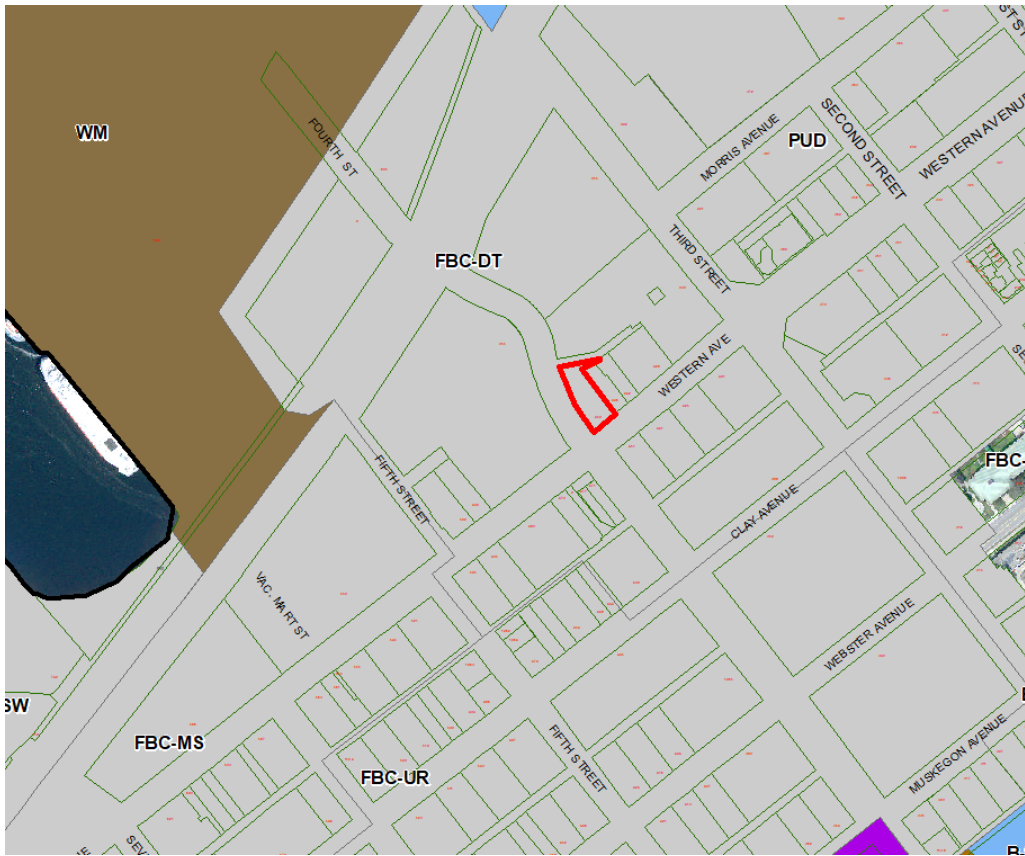
The property is zoned FBC, Downtown.

1. A previous plan was approved in June of this year that included a similar concept, but with a large deck instead of outdoor seating. The new proposed building also does not appear to have any doors or windows.
2. The proposed plan includes a small service building with rooftop deck, outdoor seating and food truck parking.
3. Staff has reviewed the plans and have determined that the following departures are needed:
 - a. To allow for a retail building type instead of a mixed-use building.
 - b. The building width at front street shall be built to a minimum of 90% of the overall width of the front street property line.
 - c. Building shall have a cornice expression line at roofline.
 - d. Height of parapet wall shall be between 12" minimum and 4 feet maximum, measured from roof line (no parapet wall).
 - e. The terrace is required to be placed at the build-to-line
 - f. Storefronts shall extend across eighty (80) percent of the overall length of the first story and shall be interrupted by the required 18" to 32" wide pilaster spaced as indicated by building type.
 - g. Entry door is required to be recessed three (3) feet to eight (8) feet from the facade wall of the building. The angled wall (the wall that connects the storefront to the door) in the recess area shall match the main storefront window.
 - h. Storefront window glass shall be eight (8) feet high minimum, measured from the adjacent grade of terrace (no dimension provided).
 - i. Transparency: Storefront frontage shall have 60% to 80% of the facade be windows between the top of the storefront base and bottom of sign band (or horizontal expression line). Entry door transparency shall be included as part of the required transparency calculation.
 - j. Required 18" to 30" high storefront base.

450 W Western Ave



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends tabling the item until a more appropriate building facade can be incorporated into the design.

DELIBERATION

I move that the request for several departures from the Form Based Code section of the zoning ordinance for a new building and food truck area at 450 W Western Ave be (approved/denied/tabled).

Hearing, Case 2021-38: Request for several departures from the Form Based Code section of the zoning ordinance for a building addition at 296 W Webster Ave / 315 W Clay Ave, by the Muskegon Museum of Art.

SUMMARY

1. There are two properties involved in this request. The current Muskegon Museum of Art building property at 296 W Webster Ave (zoned FBC, Neighborhood Core) and their parking lot at 315 W Clay Ave (zoned FBC, Mainstreet).
2. The alley between the two properties was vacated in January of this year. An addition to the current art museum building will be built over the former alley (utilities will be moved) and onto the back portion of 315 W Clay Ave. The lots will eventually be combined.
3. The art museum is considered a “civic building” by the form based code and architectural elements are not regulated. However, the placement of the building and the parking lot are still regulated by the code.
4. The code requires that the building be placed between 0-15 feet from Clay Ave and that the parking lot must be setback at least 40 feet from Clay Ave. The applicant is seeking departures from these two requirements.
5. Staff has met with the applicant and has shared some concerns about the placement of the building and the parking lot. An agreement was reached to remove a portion of the parking lot facing Clay Ave and replace it with a public plaza. The proposed new curb cut off of Clay Ave will also be removed and relocated to 2nd St. The dumpsters will also be moved to a less prominent area on site.
6. Please see the originally submitted site plan that is enclosed. A new updated site plan should be ready for review at the meeting.
7. Notice was sent to every property within 300 feet. At the time of this writing, staff had not received any comments from the public.

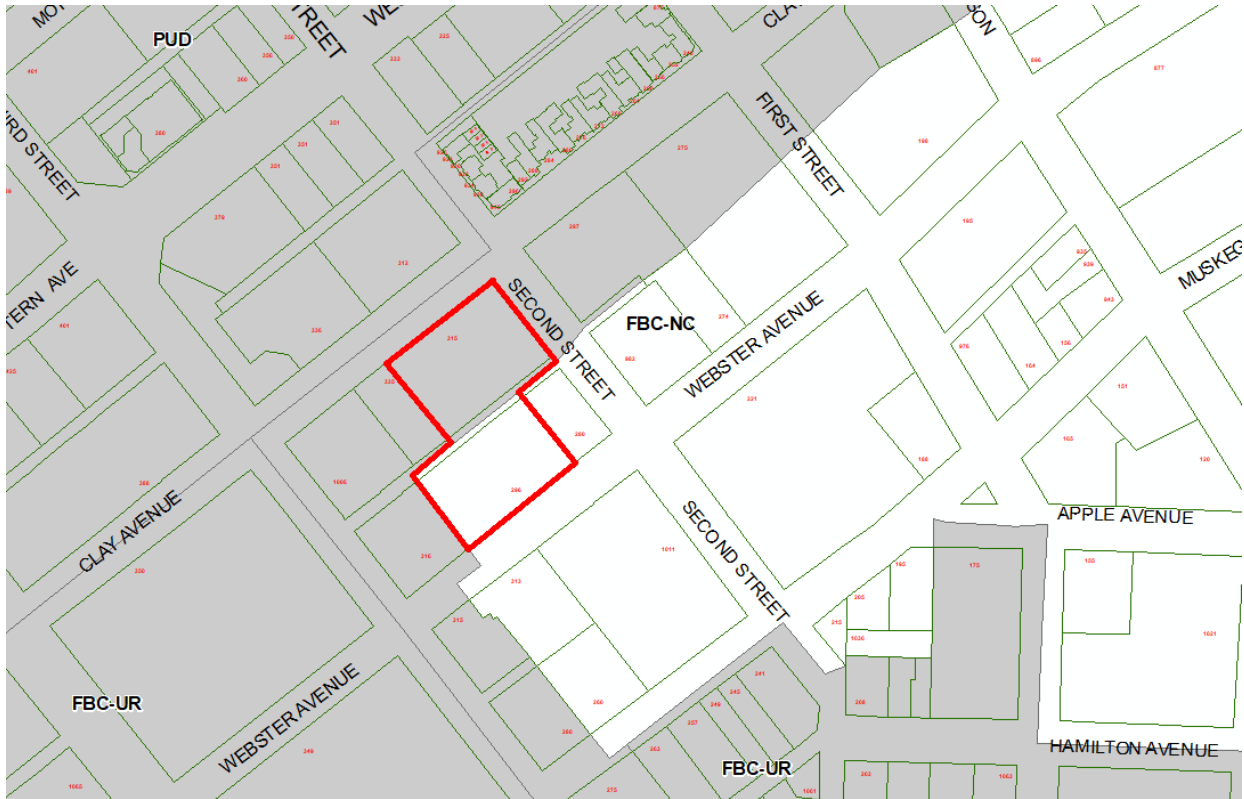
Current Art Museum Building at 296 W Webster



Current Parking Lot at 315 W Clay



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the plan, with some modifications. Staff encourages reducing the parking lot on Clay Ave and replacing with a public plaza. Staff will be meeting with the applicant before the meeting to amend the plan.

DELIBERATION

I move that the request for the departures from the Form Based Code section of the zoning ordinance for a building addition at 296 W Webster Ave / 315 W Clay Ave be (approved/denied/tabled).

Hearing, Case 2021-39: Staff initiated request to amend the Form Based Code, Urban Residential and Lakeside Residential context areas of the zoning ordinance to reduce the minimum side setback (at non-street locations) requirement from six feet to five feet and reduce the side build-to-zone (at side street) from 10-25 feet to 5-25 feet.

SUMMARY

1. The Form Based Code, Urban Residential and Lakeside Residential context areas were designed to allow for maximum density. They allow for detached homes, duplexes, small multiplexes, rowhomes and carriage houses.
2. However, the side setback requirement of six feet (10 at side streets) is not the smallest side setback requirement in all of our zoning districts. The R-3, High Density Single Family Residential district only requires a side setback of 5 feet.
3. To be considered a buildable lot, lots in the Form Based Code-Urban Residential and Lakeside Residential context area only need to be 30 feet wide. With six feet side setback requirements, this makes it difficult to develop these lots.
4. The building code only requires that houses be at least 10 feet apart from each other, without triggering special building accommodations.

Form Based Code Excerpts

SECTION 2005

CONTEXT AREAS AND USE

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

4.0 BUILDING SITE PLACEMENT

Refer to Illustration 5.12 for building site placement.

A. Front Build-to-Zone (at front street):

- Required build-to-zone from 12 to 30 feet from front property line.

- Live / Work Building Types in this Context Area shall have a required build-to-zone from 5 to 20 feet from front property line.

B. Side Build-to-Zone (at side street):

- Required build-to-zone from 10 to 25 feet from side property line.

- Live / Work Building Types in this Context Area shall have a required build-to-zone from 5 to 20 feet from side property line.

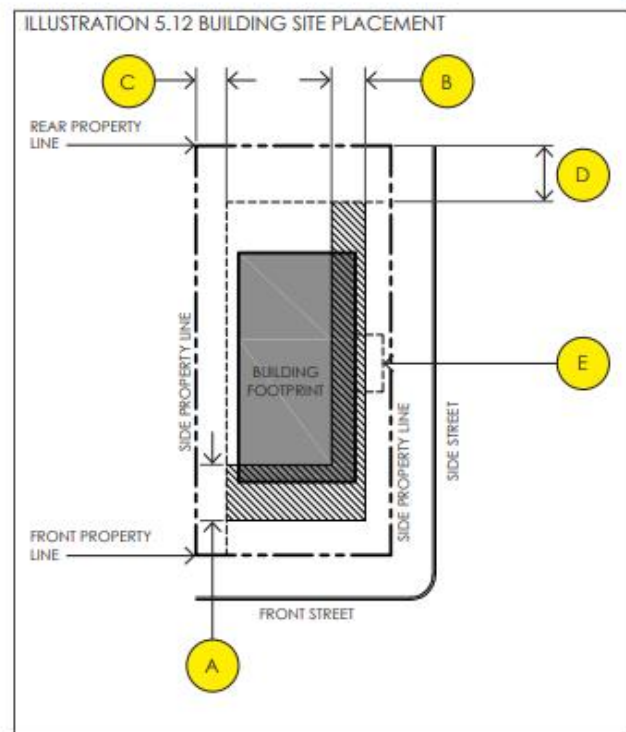
C. Side Setback (at non-street locations):

- 6 feet from side property line.

D. Rear Setback:

- 15 feet from rear property line.

- E. Encroachments: Balconies, awnings, canopies, eaves, cornices, and bay windows, may project into required setbacks, beyond required build-to-zones, or into the public right-of-way as indicated in Section 2003.02.

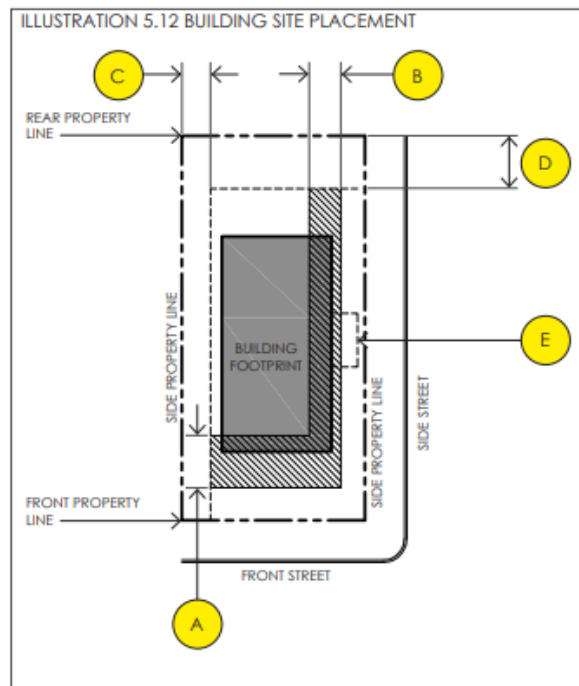


2005.08 LAKESIDE RESIDENTIAL (LR) CONTEXT AREA

4.0 BUILDING SITE PLACEMENT

Refer to Illustration 5.12 for building site placement.

- A. Front Build-to-Zone (at front street):
 - Required build-to-zone from 5 to 20 feet from front property line.
- B. Side Build-to-Zone (at side street):
 - Required build-to-zone from 5 to 20 feet from side property line.
- C. Side Setback (at non-street locations):
 - 6 feet from side property line.
- D. Rear Setback:
 - 15 feet from rear property line.
- E. Encroachments: Balconies, awnings, canopies, eaves, cornices, and bay windows, may project into required setbacks, beyond required build-to-zones, or into the public right-of-way as indicated in Section 2003.02.



DELIBERATION

I move that the request to amend the Form Based Code, Urban Residential and Lakeside Residential context areas of the zoning ordinance to reduce the minimum side setback (at non-street locations) requirement from six feet to five feet and reduce the side build-to-zone (at side street) from 10-25 feet to 5-25 feet be (approved/denied).

Case 2021-40: Request for a site plan review for a building expansion and outdoor storage at 1870 Huizenga, 1080 E Holbrook, 1045 E Laketon, 1051 E Laketon and 1091 E Laketon, by Newkirk Electric Associates, Inc.

SUMMARY

1. Newkirk Electric is located at 1875 Roberts St. There are currently four buildings on site and a considerable amount of outdoor storage.
2. They have recently purchased the lots at 1870 Huizenga, 1080 E Holbrook, 1045 E Laketon, 1051 E Laketon and 1091 E Laketon. All lots will eventually be combined.
3. They plan on adding a 23,850-sf addition onto the western-most building on site. This addition would be placed over the alley between 1080 E Holdbrook and 1870 Huizenga. This alley was vacated earlier this year, with the condition that all of the outdoor storage areas that front Laketon are screened with a wooden fence and that the barbed wire be removed. This has not taken place yet, so the alley has not officially been vacated. Any approvals should be on the condition that those requirements are fulfilled.
4. The new outdoor storage areas facing Laketon (western portion of the property) are proposed to be screened with a 3-foot berm and scattered landscaping. Staff believes better efforts to screen the outdoor storage should be made.
5. A stormwater permit has been applied for with the Engineering Department. Any approvals should be on the condition that they receive the stormwater permit.

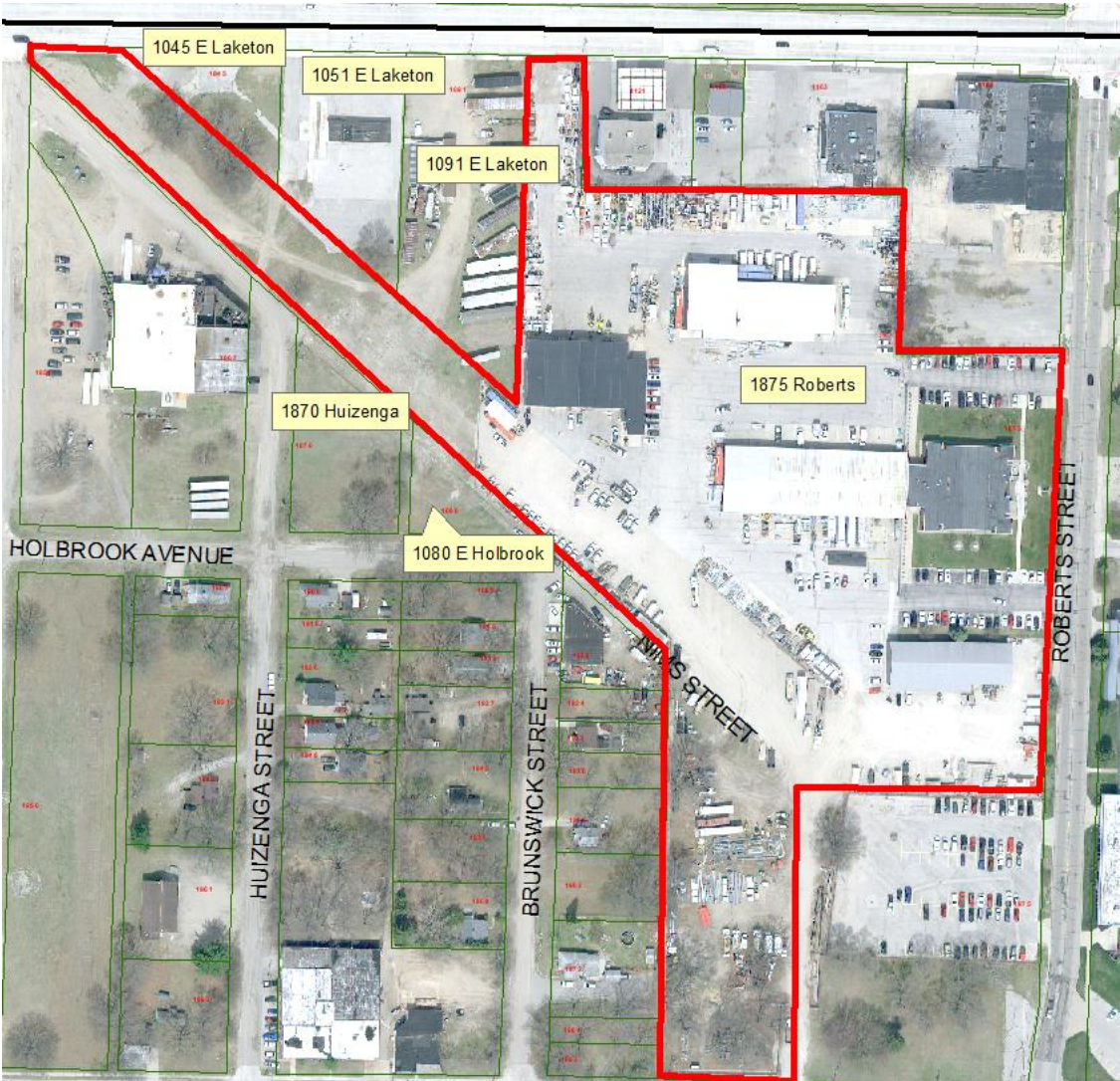
Some of the outdoor storage areas visible from Laketon



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends better screening from Laketon Ave before the plan is approved. Staff has met with the applicant and they will be proposing new screening method at the meeting.

DELIBERATION

I move that the request for a site plan review for a building expansion and outdoor storage at 1870 Huizenga, 1080 E Holbrook, 1045 E Laketon, 1051 E Laketon and 1091 E Laketon be (approved/denied/tabled) with the following conditions.

1. The conditions of the alley vacation are met and the alley is officially considered vacated before constriction may commence.
2. A stormwater permit is obtained from the Engineering Department.